

Major follow up for your follow up action **FORM #584**

GRIEVANCE FORM

01/10/04

FACILITY: D.C.C.

DATE: 10-9-04

GRIEVANT'S NAME: Kevin Breathwaite SBI#: 315294

CASE#: 8303

TIME OF INCIDENT: APPROX: 9⁰⁰ AM

HOUSING UNIT: ~~St. Hospital~~

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

ON OCT, 9, 04 AT APPROX. 9⁰⁰ AM SGT. WALLACE CAME TO MY CELL AND TOLD ME THAT HE WAS SHAKING ME DOWN. WHEN SGT. WALLACE OPENED MY DOOR WITHOUT USING THE SECURITY BAR AS IS PROCEDURE OF PROTOCOL, I IMMEDIATELY DETECTED A PROBLEM WAS ABOUT TO OCCUR. SO I TOLD SGT. WALLACE THAT I WOULD LIKE TO HAVE A CT. PRESENT DURING THE SHAKEDOWN AS I HAVE HAD PROBLEMS IN THE PAST WITH THIS OFFICER. SGT. WALLACE TOLD ME THAT HE WAS NOT GETTING THE CT. AND

ACTION REQUESTED BY GRIEVANT: That this matter be ~~closed~~ investigated
and that it not be swept under the rug. And
that these officers be brought up on criminal
charges.

GRIEVANT'S SIGNATURE.

DATE: 10-11-04

WAS AN INFORMAL RESOLUTION ACCEPTED?

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE:

DATE:

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
GRIEVANT

April '97 REV

RECEIVED

OCT 18 2004

Inmate Grievance Office

(Exhibit - A)

he told me to strip. After I stripped and handed SGT. WALLACE my clothes. I asked him again to please call a CT. to be present during the shake down. SGT. WALLACE, stated I'm not playing games with you. Then he sprayed me with MACE AND shut my door. Then he told the officer standing with him to open the food flap at my cell. The officer asked him why? He then told the officer again to open the food flap. And when the officer complied, SGT. WALLACE emptied an entire can of MACE directly into my face and all over my body and throughout my cell. At no time was I being disorderly nor did I pose any threat to him or anyone else. SGT. WALLACE then called for back-up. For what reason I have no clue. When the back up arrived. SGT. WALLACE told me to wrap something around myself, because

I was completely NAKED. I picked up my green bath towel and wrapped it around my waist.

Sgt. Wallace then told me to turn around and back up to the door to be cuffed. during this time I was choking and coughing from being sprayed with the mace. When I backed up to the door to be cuffed.

Sgt. Wallace grabbed me by the arm and snatched me out of my cell. I had already been sprayed with mace for no reason, and I did not resist at anytime. When I was snatched out of the cell. Sgt. Phillips

and Sgt. Stevenson jumped on me for no reason. After I was lying on the ground still naked and handcuffed, Sgt. Wallace and Sgt. Stevenson and Sgt. Phillips began to punch and kick me while lying on the floor still NAKED and handcuffed. Sgt. Wallace jumped on my back with his feet and kicked me in the head. And as he got off of me, he kicked me in the side and my eye.